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January 22, 2024

VIA ECF

Magistrate Judge Lehrburger
The Honorable Robert W. Lehrburger
United States District Court Southern District of New York
500 Pearl Street, Courtroom 18D
New York, NY 10007

Re: *Hafizov v. BDO USA, LLP, et al.*; Case No.: 1:22-cv-08853 (JPC) (RWL)

Dear Magistrate Judge Lehrburger:

Defendants BDO USA, P.C. (“BDO”), Janet Bernier, and Matthew Dymont (together, the “Defendants”) write briefly in reply to Plaintiff Rinat Hafizov’s (“Plaintiff” or “Hafizov”) January 22, 2024 letter (the “Letter”) in which Plaintiff argued that Defendants’ request for an Order permitting Defendants to depose Plaintiff within the Southern District of New York Courthouse should be dismissed as moot. *See* Dkt. No 162.

We wish to clarify that while Defendants certainly appreciate that Plaintiff does not oppose their request, Defendants’ motion is not moot. By the Court’s own directive, the Parties require a Court Order in order to schedule the deposition at the Courthouse. *See* Dkt. No. 161, Ex. A (Defendants’ Counsel’s Communications with Rigoberto Landers).

Defendants’ motion has not been mooted because notwithstanding Plaintiff’s consent to the arrangement, the Parties are unable to proceed with scheduling the deposition at the Courthouse without a Court Order. Defendants respectfully request that the Court proceed with issuing such an Order.

Respectfully,

Lindsay F. Ditlow

cc: All counsel (via ECF)